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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,295	08/03/2006	Hidenori Kanno	SEN031.822890	3517
21831 7590 09/18/2008 WOLF BLOCK SCHORR AND SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177				
EXAMINER TORRES WILLIAMS, MELANIE				
ART UNIT 3683		PAPER NUMBER		
NOTIFICATION DATE 09/18/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@WOLFBLOCK.COM

# Office Action Summary

**Application No.**

10/568,295

**Applicant(s)**

KANNO ET AL.

**Examiner**

MELANIE TORRES

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 6/5/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed June 5, 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered except where indicated.

### ***Specification***

2. The abstract of the disclosure is objected to because the reference numerals are not within parentheses. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: References to the claims should be removed from the specification (pages 2-4).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Aubry et al.

Aubry et al. disclose a rotary damper comprising: a partition wall (14) that partitions a space formed between a rotor (1) and a housing (2) for housing the rotor to thereby form a fluid chamber filled with fluid; and a vane (7) provided in the fluid chamber, wherein the housing and the partition wall are integrally formed. (Figures 2, 5, 6) Aubrey et al. do not teach wherein the housing and the partition wall are formed by press working. This limitation is deemed a product-by-process. Product-by-process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps. (MPEP 2113)

Re claim 2, Aubry et al. disclose wherein a plug (4') for closing an opening of the housing has a flange for mounting (flange around housing opening).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubry et al. as applied above in view of Hamano et al.

Re claims 4 and 5, Aubry et al. do not teach wherein the plug is bonded to the housing by caulking an edge of the opening of the housing. Hamano et al. teaches a caulked, stepped cover (50, column 2, lines 42-50). It would have been obvious to one of ordinary skill in the art to use a caulked, stepped cover in the invention of Aubry et al. in order to provide a secure fluid-tight seal.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubry et al. as applied above in view of Katsuda et al.

Re claims 6 and 7, Aubry et al. teaches all the limitations as shown above except forming the housing and the partition wall by press working. Katsuda et al. teaches forming a housing by press working. (column 3, lines 5-8) It would have been obvious to one of ordinary skill in the art at the time the invention was made to form components by press working in order to reduce manufacturing costs.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aubry et al. in view of Katsuda et al. as applied above and further in view of Hamano et al.

Re claim 8, Aubry et al. do not teach wherein the plug is bonded to the housing by caulking an edge of the opening of the housing. Hamano et al. teaches a caulked, stepped cover (50, column 2, lines 42-50). It would have been obvious to one of ordinary skill in the art to use a caulked, stepped cover in the invention of Aubry et al. in order to provide a secure fluid-tight seal.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al., Forster, Kanno et al. and Seto et al. teach similar rotary dampers.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE TORRES whose telephone number is (571)272-7127. The examiner can normally be reached on Monday (6AM - 4:30PM), and Tuesday (6AM-12PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 9, 2008

/MELANIE TORRES/  
Primary Examiner, Art Unit 3683